

22-3-C. Administrative Hearings: 40 CFR Part 22 (1200 TN 281 22-3-C)

1. AUTHORITY. To hold and preside over hearings, assess penalties, perform all applicable functions set forth in 40 CFR Part 22, and perform related duties which the Administrator is authorized to perform under Sections 325(b), (c), (d) and (f) of the Emergency Planning and Community Right-To-Know Act (EPCRA).

2. TO WHOM DELEGATED. The Regional Judicial and Presiding Officer.

3. LIMITATIONS. These proceedings must follow the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination and Suspension of Permits as set forth in 40 CFR Part 22.

4. REDELEGATION AUTHORITY.

- a. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. EPCRA Section 325.
- b. 40 CFR Part 22.
- c. Chapter 22 delegation entitled Administrative Hearings: 40 CFR Part 22.
- d. Chapter 1 delegation entitled Hearings.
- e. Chapter 1 delegation entitled Administrative Proceedings.

6. SUPERSESSION. Delegations Manual, EPCRA, Regional Delegation 22-3-C. Administrative Hearings, 1200 TN RIII 106 (June 7, 1995).

Date: APR 15 2019


Cosmo Servidio
Regional Administrator